

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of Kansas City Power & Light Company's Request for Authority to Implement a General Rate Increase for Electric Service)
) Case No. ER-2018-0145
)
)

In the Matter of KCP&L Greater Missouri Operations Company's Request for Authority to Implement a General Rate Increase for Electric Service)
) Case No. ER-2018-0146
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**MISSOURI DIVISION OF ENERGY
RESPONSE REGARDING OPC TESTIMONY**

COMES NOW the Missouri Department of Economic Development, Division of Energy ("DE") and for its Response Regarding OPC Testimony states:

1. On January 30, 2018, Kansas City Power & Light Company ("KCPL") and KCP&L Greater Missouri Operations Company ("GMO") (collectively "KCPL/GMO") filed dual requests for authority to implement general rate increases for electric service. The KCPL/GMO application and direct testimony are the sole basis for the requested rate increases, through which KCPL/GMO seek to make a significant number of changes to their operations, revenues and rates.¹

2. As KCPL/GMO points out, the Commission's rules require, *"rebuttal testimony shall include all testimony which is responsive to the testimony and exhibits contained in any other party's direct case."*² This requirement does not prohibit the Office of the Public Counsel ("OPC"), DE or any other party from responding to the company's direct testimony on an issue that the party had also addressed in its direct testimony.

¹ EFIS Nos. 5 through 19.

² 4 CSR 240-2.130(7).

KCPL/GMO each filed over 600 pages of direct testimony from fourteen witnesses that addresses practically every aspect of the company's operations, revenues and rates. KCPL/GMO direct testimony opened the door for a wide range of responsive testimony, and nothing in the OPC testimony suggests OPC intends to expand its rebuttal filing beyond testimony that is responsive to the extensive KCPL/GMO direct testimony.

3. It is customary for a party to respond in rebuttal testimony to an issue also raised in that party's direct testimony. In this case, for instance, DE filed direct testimony on standby service rates generally, and will respond in rebuttal testimony to the KCPL/GMO direct testimony proposing a standby service tariff. This is a standard practice before the Commission, and ensures interested parties have a full opportunity to respond to the utility's case-in-chief, and ensures that the burden of proof is properly with the company on all issues raised by the company's direct testimony.³ Cases before the Commission all involve issues that impact the public interest, and the General Assembly never intended the Commission to impose strict rules of evidence regarding these issues, as Section 386.410 RSMo provides that "*in all investigations, inquiries or hearings the commission or commissioner shall not be bound by the technical rules of evidence.*"

4. OPC is correct when it states that it was under no obligation to present any evidence in direct testimony that is responsive to KCPL/GMO direct testimony, and by identifying issues in OPC's direct testimony that it intends to address in rebuttal testimony, OPC has provided KCPL/GMO with an opportunity to provide an additional round of responsive testimony that would not otherwise be available to KCPL/GMO.

5. The relief requested by the KCPL/GMO motion is that the Commission enforce its rules. Even if OPC had indicated an intent to file improper rebuttal testimony, this

³ § 393.150.2 RSMo.

matter would not become ripe for consideration until that testimony filing. Signaling an intent to address an issue in future testimony is not a violation of any statute or Commission rule. The Commission does not need take any action at this time in response to the KCPL/GMO motion, and can revisit this issue should KCPL/GMO oppose OPC's rebuttal testimony once that testimony is available for review.

WHEREFORE, the Division of Energy recommends the Commission find the issue is not ripe for consideration until after rebuttal testimony is filed and the issues addressed in OPC's rebuttal are available for consideration.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been served electronically on all counsel of record this 6th day of July, 2018.

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